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Senate

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Oh, Lord, our God, sometimes life's issues seem too much for us. Forgive us when we speak words of despair, forgetting Your promise that You will never leave or forsake us.

Lord, speak to the faith of our lawmakers, causing them also to remember Your promise that, in everything, You are working for the good of those who love You.

Give us all the wisdom to know that You are, indeed, our refuge and strength. Answer us, mighty God, at a time You choose. Answer our prayers because of Your great love. Send us forth to serve You by embracing justice, loving mercy, and walking with humility.

We pray in Your compassionate Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDENT pro tempore. The Senator from Hawaii.

Ms. HIRONO. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. HIRONO). Without objection, it is so ordered.

COVID-19 VACCINATIONS

Mr. LEAHY. Madam President, we had interesting news in Vermont this morning. Our Governor, Governor Scott, announced that we have reached 80 percent immunity—vaccinations—and so the State will, in effect, reopen.

Now, I mention this because, right from the beginning, I have worked closely with our Governor. We have tried to show no partisanship in this. I am a Democrat; he is a Republican. We are both, first and foremost, Vermonters.

And restrictions were put in place. Efforts were made to vaccinate. I know my wife Marcelle and I went to some of these vaccination centers. We had everybody from Vermont National Guard to veterans groups, to schools, to nurses who were volunteering all over those places.

And everybody would line up, and they would say: "I am scheduled for 9:20. I will be there at 9:10," and they just went through, and people wanted to get the vaccination.

It meant some hardships while it was going on because a lot of our businesses could not open or had to open just in limited ways.

But—but they kept at it, and we all worked together to help with aid to the State during the COVID time, and I was proud of what I might be able to do, but I am mostly proud of the

Vermonters. They set politics aside; they set partisanship aside; and they said: How would it make us a safer State?

So I just thought I would note that, all my trips back home, all the times I joined with the various people—Dr. Levine, our chief physician in Vermont, and the Governor and others, our Lieutenant Governor, Molly Gray—all of us worked together, and it has paid off.

And I must admit, when I go home this weekend, this coming weekend, I am going to walk off that plane with a bigger smile than I usually have.

I always have a smile coming home to the State where I was born, but this weekend it is going to be an especially big smile.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CORONAVIRUS

Mr. SCHUMER. Madam President, tonight, congressional leaders will mark what is hopefully the final somber milestone of the COVID pandemic: 600,000 American lives lost to the disease. It is particularly jarring at this moment—a moment of recovery, optimism, and hope—to remember the enormity of lives lost over the past 15 months. Not only that, we face the grim reality that the recent fatalities happened while Americans were on the verge of getting vaccinated. Some had their appointment just days away.

So as our fellow Americans are taking their masks off, going back to work, seeing families and friends, and returning, as they should, to life, let us remember those who cannot. Let us hold them in our hearts a little while longer.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I am reminded of the famous meditation by the English soldier and poet John Donne, who told us that “no man is an island, entire of itself; every man is a piece of the continent, a part of the main. So if a clod be washed away by the sea, Europe is the less.”

“Any man’s death diminishes me,” he said, “because I am involved in mankind. And therefore never send to know for whom the bell tolls; it tolls for thee.”

The bells have tolled for 600,000 Americans this past year, a staggering and incomprehensible sum. Remember them. Hold them in your hearts a little while longer.

SENATE LEGISLATIVE AGENDA

Mr. SCHUMER. Madam President, now on a different subject, after passing the bipartisan U.S. Innovation and Competition Act last week and confirming the first judges of the Biden era, we will continue with major elements of our legislative agenda.

Senate committees will continue working on a bipartisan infrastructure proposal to meet the demands of the 21st century. As I have said from the start, discussions about infrastructure investments are progressing on two tracks. One track is bipartisan. The second track pulls in other elements of President Biden’s American Jobs Plan, which will be considered even if it does not have bipartisan support. Our Senate committees are working on both tracks at the same time.

As a reminder to the Senate—a reminder to the Senate—as I have said from the start, in order to move forward on infrastructure, we must include bold action on climate. At the moment, both tracks are moving forward and progressing very well.

In addition, before the end of the month, the Senate will vote on crucial voting rights legislation. Republican State legislatures across the country are passing the most draconian voting restrictions since the beginning of Jim Crow. Congress must take action to defend our democracy.

Meanwhile, we will move more swiftly to confirm even more of the President’s appointments, including several to the Federal bench.

Last week was one for the record books. The Senate confirmed the first slate of President Biden’s judicial nominees. Not only were they individuals of immense talent and high character, they reflected the great cultural, geographic, and experiential diversity of our country. Among them was the first Muslim American to ever be confirmed as an article III judge.

Let me read a headline from this morning’s Washington Post: “Biden has nominated as many minority women to be judges in four months as Trump had confirmed in four years.” That is an amazing—an amazing—statistic.

Women, especially women of color, have long been underrepresented on the

Federal bench. Along with President Biden, the Senate Democratic majority is working quickly to close the gap.

In fact, in just a few hours, we will confirm another outstanding, trailblazing nominee for the Federal bench, Judge Ketanji Brown Jackson, to the DC Circuit Court of Appeals. Judge Jackson will be the first of President Biden’s circuit court nominees confirmed by the Senate, and we are starting right at the top.

After the Supreme Court, the DC Circuit Court of Appeals is the most important Federal court in the country, with jurisdiction over cases involving Congress and the executive branch Agencies, and Judge Jackson, nominated to the seat once occupied by the current Attorney General, is the perfect person for the job. She is a former Federal defender. She clerked for Justice Breyer, and, since 2013, has been a district court judge in DC. She has all the qualities of a model jurist. She is brilliant, thoughtful, collaborative, and dedicated to applying the law impartially. For these qualities, she has earned the respect of both sides.

Nominees to powerful circuit courts, especially the DC Circuit, are frequently controversial, but, last week, a bipartisan group of Senators in the Judiciary Committee voted in her favor. I greatly look forward to confirming this exceptional nominee in just a few hours and continuing to restore balance to a judiciary that has been thrown out of whack by former President Trump.

After Judge Brown Jackson’s confirmation, we will turn to other nominees. We will hold a cloture vote this evening on Lina Khan’s nomination to the Federal Trade Commission and confirm her tomorrow. Tomorrow, as well, we will vote on Kiran Ahuja to lead the Office of Personnel Management, and the Senate will have the opportunity to advance several of the nominees as the week goes on.

DEPARTMENT OF JUSTICE INVESTIGATION

Mr. SCHUMER. Madam President, on one final matter, despite the fact that we are now almost 6 months into a new administration, the sins of the previous administration are coming to life. Late last week, the New York Times reported that the Trump administration’s Justice Department delivered secret subpoenas for the personal phone data of at least a dozen people tied to the House Intelligence Committee, including Members of Congress, aides, and even family members. One was a minor.

This is a gross abuse of power. It is an assault on the separation of powers. The notion that any President, via their political appointees, could manipulate our democratic system to tap into personal data has the fingerprints of a dictatorship—a dictatorship—all over it.

This appalling politicization of the Department of Justice by Donald

Trump and his sycophants must be investigated by both the DOJ inspector general and by Congress. Former Attorneys General Barr and Sessions and other officials who were involved must testify before the Senate Judiciary Committee, under oath. If they refuse, they are subject to being subpoenaed and compelled to testify under oath.

The Justice Department must also provide information to the Judiciary Committee, which will vigorously investigate this abuse of power. The issue should not be partisan. Under the Constitution, Congress is a coequal branch of government and must be protected from an overreaching executive. We expect our Republican colleagues to join us in getting to the bottom of this very, very serious matter.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I move to proceed to executive session to consider Calendar No. 148.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion was agreed to.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Radhika Fox, of California, to be an Assistant Administrator of the Environmental Protection Agency.

CLOTURE MOTION

Mr. SCHUMER. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 148, Radhika Fox, of California, to be an Assistant Administrator of the Environmental Protection Agency.

Charles E. Schumer, Thomas R. Carper, Jacky Rosen, John Hickenlooper, Tammy Baldwin, Richard J. Durbin, Richard Blumenthal, Kirsten E. Gillibrand, Raphael Warnock, Chris Van Hollen, Martin Heinrich, Christopher Murphy, Sheldon Whitehouse, Bernard Sanders, Jeff Merkley, Patty Murray, Margaret Wood Hassan.

LEGISLATIVE SESSION

Mr. SCHUMER. Madam President, I move to proceed to legislative session.